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sec. 4106, Va. Code 1904, are given jurisdiction over such offenses concurrent with the circuit and corporation courts.

It is to be noted that the aforesaid provision of the Tax Bill (Va. Code 1904, p. 2262), having been enacted subsequent to sec. 3828, Va. Code 1904, supersedes the latter so far as it provides for the selling liquor to minors.

Sec. 3828 is broader in scope than the aforesaid provision of the Tax Bill, as the latter only defines the offense of selling liquor to minors, while the former defines the offenses of selling liquor to students, of giving liquor to minors, giving liquor to students, causing to be sold or given liquor to students and minors, etc. Evidently as to the offense of selling liquor to minors the provision of the Tax Bill controls; but as to the other offenses, defined in sec. 3828, that section would seem to be in full force and effect, since repeals of statutes by implication are not favored. *Fox's Admr. v. Com.*, 16 Gratt. 8. If this view be correct, the penalty for selling liquor to minors is fixed by the Tax Bill and cannot be confinement in jail; while the penalty for the other offenses defined in sec. 3828 may be confinement in jail.

C. B. G.

TAX BILL, CL. 141, VA. CODE 1904, P. 2262, IN REGARD TO SELLING LIQUOR ON SUNDAY, SUPERSEDED BY SEC. 3804, VA. CODE 1904.—In the Tax Bill, cl. 141 (Va. Code 1904, p. 2262), there is the following provision: "Any person who sells alcoholic beverages of any description on Sunday shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than five hundred dollars, and shall be imprisoned not less than fifteen days nor more than sixty days in jail, and the license at the place where the alcoholic beverages were sold on Sunday shall be revoked."

Sec. 3804, Va. Code 1904, which in its present form was enacted subsequent to the enactment of the Tax Bill, reads as follows: "No bar-room, saloon, or other place for the sale of intoxicating liquors shall be opened, and no spirituous, malt, or intoxicating liquors shall be sold in any bar-room, restaurant, saloon store, or other place between twelve o'clock Saturday night and sunrise of the succeeding Monday morning. Any person violating the provisions of this shall, upon conviction, be fined not less than one hundred, nor more than five hundred dollars, and the license of the place where the sale was made shall be revoked."

As indicated above, this section (3804) was enacted subsequent to the enactment of the Tax Bill, and therefore supersedes the Tax Bill in all points where the two are conflicting.

It is true that repeals of statutes by implication are not favored (*Fox's Admr. v. Com.*, 16 Gratt. 8); "but where there are two statutes imposing a penalty for the same offense, and the penalty imposed by the one is not the same as that imposed by the other, the later statute repeals the earlier; for the intention to inflict two punishments for the same offense is not to be imputed to the legislature." Black on Interpretation of Laws, 114, citing *Gorman v. Hammond*, 28 Ga. 85. And if the second statute was manifestly intended to embrace the whole subject matter of the first, and to practically supplant the first enactment, the later act will, in such case, operate as a repeal of the first, or of such provisions embodied in the first as are covered by the provisions of the later act. *Hogan v.*

Guigon, 29 Gratt. 705; *Somers v. Com.*, 97 Va. 759. Therefore as sec. 3804, as amended, was enacted subsequent to the Tax Bill, the penalty therein supersedes the penalty for the same offense in the Tax Bill, and no person can now be imprisoned for selling liquor on Sunday.

As to compliance with sec. 3804 in the matter of closing the bar-room, see *Morganstern's Case*, 94 Va. 787, 26 S. E. 402; also notes to sec. 3804, Va. Code 1904.
C. B. G.